

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE CITY OF NEW YORK,

Plaintiff,

-against-

ENVIROMD GROUP LLC; GT IMPORTS; KAYLA  
WHOLESALE, INC., d/b/a The Vapery; KLCC  
WHOLESALE INC.; PIONEER DISTRIBUTION, INC.  
a/k/a WEVAPEUSA.COM a/k/a SELLER SUPREME  
LLC; RZ SMOKE INC.; STAR ZONE INC.; URBAN  
SMOKE DISTRIBUTORS; VAPE MORE INC. a/k/a  
MORE LLC; VAPE PLUS DISTRIBUTION CORP.  
a/k/a G&A DISTRIBUTION; DAVID ALFIH a/k/a  
David Alfieh, a/k/a DJ Alfani, and MARCUS  
BERNARD,

Defendants.  
\_\_\_\_\_

X

Civil Action: 24-cv-05161  
(GHW)(JW)

**DECLARATION OF  
KAYLA WHOLESALE  
IN REPLY**

X

JEFFREY BENJAMIN, ESQ., pursuant to 28 U.S.C. §1746, declares the following under penalties provided by law:

- 1) I am a member of the firm The Linden Law Group, P.C., attorneys for Defendant KAYLA WHOLESALE, INC., d/b/a The Vapery (“KAYLA”) in this action.
- 2) I respectfully submit this Declaration in Reply to Plaintiff’s opposition to this Defendant’s Motion to Dismiss under FRCP 12(b).
- 3) As stated in our original motion papers, and so as not to convolute or otherwise clutter the record with duplicative arguments against the City’s opposition to the various corporate entities’ Motions to Dismiss in this matter, KAYLA hereby joins and incorporates by reference the Reply papers filed herein by the co-defendants in this

matter insofar as the legal arguments apply to KAYLA and its business similar to that of the co-defendants.

- 4) KAYLA otherwise makes no new legal arguments in further support of its original motion papers herein, beyond those argued by co-defendants in their respective Replies and who are similarly situated to KAYLA with respect to the City's allegations.

WHEREFORE, Defendant KAYLA WHOLESALE, INC. d/b/a The Vapery respectfully requests the Complaint against it be dismissed in its entirety along with such other and further relief the Court deems appropriate.

Dated: New York, New York

November 1, 2024

THE LINDEN LAW GROUP, P.C.

*Jeffrey Benjamin*

By: Jeffrey Benjamin, Esq.  
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